

Decision 82 12 091 DEC 15 1982

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CABLE CAR ADVERTISERS, INC., a California corporation, dba CABLE CAR CHARTERS, for a certificate of public convenience and necessity to operate a passenger stage corporation between points in San Francisco and Marin Counties.

Application 82-09-39
(Filed September 24, 1982)

INTERIM OPINION

Cable Car Advertisers, Inc., doing business as Cable Car Charters, requests a certificate of public convenience and necessity under Public Utilities Code Section 1031 to conduct sightseeing-tour operations.

Applicant will be transporting groups to Sausalito and the Golden Gate Bridge, in addition to several tours within the city limits of San Francisco. Applicant's operating equipment includes ten 35-passenger, one 20-, one 26-, and one 30-passenger units. All vehicles have San Francisco cable car bodies and seats, with passenger bus suspension, engines, transmissions, and steering. Passengers will be seated as though they are riding on San Francisco cable cars. Adult and child fares, ages 2 - 12, for Sausalito are \$17.50 and \$13.50, respectively; and \$8 and \$6 for the Golden Gate bridge tour.

A statement attached to the application indicates that \$300,000 in cash is committed to the proposal and over a million dollars in equipment. Applicant is listed as being debt free on September 23, 1982, the date of the statement. The filing of the application was noted on the Commission's Daily Calendar of September 27, 1962. No protests have been filed.

In Decision (D.) 93726 in Application 59818 et al. issued November 13, 1981, we found that sightseeing-tour service over a loop is not that of a passenger stage corporation. However, the portion of that decision completely eliminating our regulation over sightseeing-tour carriers will not become effective until after judicial review. We announced in D.93726 and confirmed in D.82-09-087 issued September 22, 1982 (opinion on rehearing) that during this transitional period we would grant pending applications ex parte with temporary operating authority upon a showing that applicant had adequate public liability insurance. Accordingly, we will grant this application. Cable Car Advertisers, Inc. must file evidence of the required minimum insurance coverage set by General Order 101 before operations begin.

This matter was inadvertently omitted from the public agenda; however, applicant needs the operating authority to take advantage of the convention activity now in the high season months. We conclude that a sufficient emergency exists to act without the usual notice to the public.

Findings of Fact

1. The proposed operations are sightseeing-tour service over a loop.
2. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

Temporary operating authority should be granted; since there is an alleged need for the proposed service and liability insurance set by General Order 101 will be required before operations begin, the following order should be effective today.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

INTERIM ORDER

IT IS ORDERED that:

1. Cable Car Advertisers, Inc. is granted a temporary certificate of public convenience and necessity to operate a sightseeing-tour service over the routes proposed in the application until further order of the Commission and is assigned Passenger Stage Corporation PSC-1277. A permanent certificate prepared by this Commission may be issued by a final order.

2. Applicant shall:

- a. File a written acceptance of this authority within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. State in its tariffs and timetables when service will start; allow at least 10 days' notice to the Commission; and make timetables and tariffs effective 10 or more days after this order is effective.
- d. Comply with General Orders Series 79, 98, 101, and 104, and the California Highway Patrol safety rules.

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c. Maintain accounting records in conformity with the Uniform System of Accounts.

3. Applicant shall not operate the service until the vehicles have been inspected by California Highway Patrol and cleared for use in conducting this type of operation.

This order is effective today.

Dated December 15, 1982, at San Francisco, California.

JOHN E. BRYSON

President

RICHARD D. GRAVELLE

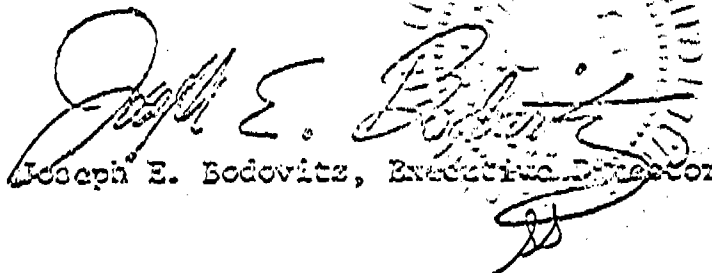
LEONARD M. GRIMES, JR.

VICTOR CALVO

PRISCILLA C. GREW

Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director

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with the Uniform System of Accounts.

This order is effective today.

Dated DEC 15 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners